

REMARKS

Claims 1-14 are pending in the current application. The Examiner rejected Claims 1, 5, 6 and 10. The Examiner objected to Claims 2-4 and 7-9. Applicant has added Claims 11-14.

**Claim Rejections – 35 U.S.C. §103(a)**

The Examiner rejected Independent Claims 1 and 6, and Claims 5 and 10 depending therefrom, as rendered obvious under 35 U.S.C. §103(a) by U.S. Patent No. 4,895,496 to Elson (hereinafter "Elson '496") in view of U.S. Patent No. 5,110,268 to Sakurai et al. (hereinafter "Sakurai '268"). Elson '496 discloses, as illustrated in Figs. 1 and 4, bearing assembly 34 positioned within housing 12, shaft 26 rotatably supported by bearing assembly 34, and oil shield 12 disposed around shaft 26 such that, in at least one embodiment, oil shield 12 rotates with shaft 26. In another embodiment, referring to Fig. 3, oil shield 12 includes flange 54 for restricting the rotation of oil shield 12. Oil shield 12 further includes cylindrical portions 46 and 48 which, as illustrated primarily in Fig. 3, comprise solid annular portions connected by flange portion 52. The Examiner relies on Sakurai '268 for disclosing a horizontal compressor.

Amended Independent Claim 1, and Claim 5 depending therefrom, call for, *inter alia*, a compressor assembly comprising a housing, a shaft rotatable about a shaft axis, a bearing support mounted within the housing, the bearing support including a recess, a bearing mounted on the bearing support, the bearing rotatably supporting the shaft, and an oil shield, the oil shield having a plurality of flexible members mounting the oil shield to the bearing support, the flexible members engaged with the bearing support recess. Similarly, amended Independent Claim 6, and Claim 10 depending therefrom, call for, *inter alia*, an oil shield having a plurality of flexible members mounting the oil shield to a bearing support, the flexible members engaged with a bearing support recess.

Applicant respectfully submits that Elson '496 does not disclose or suggest an oil shield mounted to a *bearing support* as called for in Independent Claims 1 and 6. On the contrary, Elson '496 discloses that oil shield 12 is disposed around *shaft* 26. Column 2, lines 56-61. *See also*, Fig. 1. More particularly, oil shield 12 includes an "inwardly extending flange portion 50 which is received within a reduced diameter portion 51 of shaft 26." *Id.* In

fact, in order to prevent oil shield 12 from rotating with shaft 26, as illustrated in Figs. 2 and 3, oil shield 12 includes, in one embodiment, flange portion 54 positioned intermediate support legs 58 and 60 to restrict rotation thereof. Column 2, lines 64-68. Accordingly, Elson '496 does not disclose an oil shield mounted to a bearing support, as called for in Independent Claims 1 and 6.

Additionally, Applicant respectfully submits that Elson '496 does not disclose or suggest an oil shield having *a plurality of flexible members* mounting the oil shield to the bearing support as called for in amended Independent Claims 1 and 6. On the contrary, Elson '496, as illustrated in Figs. 1 and 3, discloses that oil shield 12 includes solid annular portions 46 and 48 that surround shaft 26. Advantageously, the plurality of flexible members of Independent Claims 1 and 6 allow the claimed oil shield to be readily attached to the bearing support. Para. [0007]. Further, amended Independent Claims 1 and 6 call for the flexible fingers to be engaged with a *recess in the bearing support*. As discussed above, oil shield 12 of Elson '496 is fitted around the end of shaft 26.

Applicant respectfully submits that Sakurai '268 does not disclose an oil shield and does not correct for the deficiencies of Elson '496. Thus, for at least the reasons advanced above, Applicant respectfully submits that amended Independent Claims 1 and 6, and Claims 5 and 10 depending therefrom, are not rendered obvious under 35 U.S.C. §103(a) by Elson '496 in view of Sakurai '268. Therefore, Applicant requests withdrawal of the 35 U.S.C. §103(a) rejections thereof.

#### **Allowable Subject Matter**

The Examiner objected to the form of Claims 2-4 and 7-9 but indicated that these claims would be allowable if rewritten in independent form. Applicant has amended Claims 2, 3, 7 and 8 by rewriting them in independent form. Claim 4 now depends from Independent Claim 3 and Claim 9 now depends from Independent Claim 8. Therefore, Applicant respectfully requests the withdrawal of the objection to Claims 2-4 and 7-9.

#### **New Claims**

Applicant has added Independent Claim 11, and Claims 12-14 depending therefrom, which call for, *inter alia*, a compressor assembly comprising a housing, a shaft rotatable about a shaft axis, a bearing support member mounted within the housing, the bearing support

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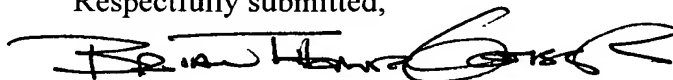
member rotatably supporting the shaft, a counterweight rotationally coupled with the shaft, and an oil shield, the oil shield having a plurality of flexible members mounting the oil shield to the bearing support, the counterweight being at least partially disposed within the oil shield. Similar to the above, Applicant respectfully submits that the prior art does not disclose an oil shield having a plurality of flexible members mounting the oil shield to a bearing support. Thus, Applicant hereby requests allowance of Claims 11-14.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicant has overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Should the Examiner have any further questions regarding any of the foregoing, she is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: September 6, 2005

BRIAN THOMAS GEISLER, REG. NO. 54,115

Name of Registered Representative

  
Signature

September 6, 2005

Date

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